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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,304	11/21/2000	Richard J. Lynch	50108-034	9466

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EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
2665	4

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,304

Applicant(s)

LYNCH ET AL.

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9-16, 18, 19 are rejected under 35 U.S.C. 102(e) as being participated Soliman (U.S Patent No. 6,671,291 B1).

Regarding claim 1, Soliman discloses a system for automatically setting a clock, comprising:

a RF/IF13 & station16 (mobile station) configured for, col.4 line 41:

acquiring a Code Division Multiple Access (CDMA) pilot signal from a base station, col.4 lines 60-65,

receiving a CDMA sync channel message based on the pilot signal, col.4 lines 60-65, and

calculating a local time based on the CDMA sync channel message, col.4 lines 60-65; and

an adjustable (resettable) clock 30 coupled to the mobile station, col.5 lines 30-35, including a Voltage control oscillator (oscillator), figure 3, for maintaining a current time and a processor configured for:

repetition adjustment (periodically) obtaining an indication of the local time from the mobile station, col.5 line 39, and

adjusting (resetting) the current time to reflect the local time obtained from the mobile station, col.5 lines 30-35.

Regarding claim 2, Soliman discloses a system, further comprising connector (interface logic) coupling the RF/IF13 & station16 (mobile station) and the resettable clock; wherein:

the RF/IF13 (mobile station) is configured to operate at a first logic level, col.5 lines 5-25;

the resettable clock is configured to operate at a adjusting level second logic level that is incompatible with the first logic level, col.5 lines 28-35; and

the connector (interface logic) is configured to receive the indication of the local time at the first logic level and provide the indication of the local time to the resettable clock at the second logic leve, col.4 line 48.

Regarding claim 3, Soliman discloses a system, wherein:

the mobile station is further configured for:

acquiring another CDMA pilot signal from another base station,

receiving another CDMA sync channel message based on the other CDMA pilot signal, and

calculating a new local time based on the other CDMA sync channel message;
and

the resettable clock is further configured for resetting the current time to reflect the new local time. See col.5 lines 15-35.

Regarding claim 4, Soliman discloses a system, wherein the local time and the new local time indicate local times in different locations (time zones). See col.9 lines 1-15.

Regarding claim 9, Soliman discloses a system, wherein the mobile station comprises a CDMA compatible wireless telephone. See col.4 line 47.

Regarding claims 10, 19, Soliman discloses a system for automatically setting a clock, comprising:

- a mobile station configured for:
 - resetting an indication of local time enable,
 - attempting to acquire a Code Division Multiple Access (CDMA) pilot signal from a base station and receive a CDMA sync channel message based on the pilot signal, and
 - if said attempting is successful, then calculating a local time based on the CDMA sync channel message and setting the indication of local time enable; and
 - a resettable clock, coupled to the mobile station, including an oscillator for maintaining a current time and a processor configured for:
 - periodically checking the indication of local time enable, and

if the indication of local time 30 different from the calculated system time (enable is set), then obtaining an indication of the local time from the mobile station, and resetting the current time to reflect the local time obtained from the mobile station. See col.5 lines 5-45.

Regarding claim 11, Soliman discloses a resettable clock comprising:
an oscillator;
an interface to a CDMA network compatible receiver; and
a processor coupled to the interface and configured for:
maintaining a current time based on output of the oscillator;
periodically obtaining an indication of local time for the interface to the CDMA network compatible receiver; and
resetting the current to reflect the local time obtained from the interface to the CDMA network compatible receiver. See col.5 lines 5-45.

Regarding claim 12, Soliman discloses a system, wherein:
the CDMA network compatible receiver is configured to operate at a first logic level;
the resettable clock is configured to operate at a second logic level that is incompatible with the first logic level; and the interface is configured to receive the indication of the local time at the first logic level and provide the indication of the local time to the resettable clock at the second logic level. See col.5 lines 5-45.

Regarding claim 13, Soliman discloses method for automatically setting a clock, comprising:

acquiring a Code Division Multiple Access (CDMA) pilot signal from a base station;

receiving a CDMA sync channel message based on the pilot signal;

calculating a local time based on the CDMA sync channel message;

maintaining a current time based on an oscillator;

periodically obtaining an indication of the local time; and

resetting the current time to reflect the local time. See col.5 lines 5-45.

Regarding claim 14, Soliman discloses a system, further comprising converting the indication of the local time from a first logic level to a second logic level that is incompatible with the first logic level. See col.4 lines 40-65.

Regarding claim 15, Soliman discloses a system, further comprising:

acquiring another CDMA pilot signal from another base station;

receiving another CDMA sync channel message based on the other CDMA pilot signal;

calculating a new local time based on the other CDMA sync channel message;

and resetting the current time to reflect the new local time. See col.5 lines 5-45.

Regarding claim 16, Soliman discloses a system, wherein the local time and the new local time indicate local times in different locations (time zones). See col.9 lines 1-15.

Regarding claim 18, Soliman discloses a system further comprising displaying the local time. See col.5 lines 5-55.

Regarding claim 19, Soliman discloses a method for automatically setting a clock, comprising:

- resetting an indication of local time enable;
- attempting to acquire a Code Division Multiple Access (CDMA) pilot signal from a base station and receive a CDMA sync channel message based on the pilot signal;
- if said attempting is successful, then calculating a local time based on the CDMA sync channel message and setting the indication of local time enable;
- maintaining a current time based on an oscillator;
- displaying the current time;
- periodically checking the indication of local time enable; and
- if the indication of local time 30 different from the calculated system time (enable is set), then obtaining an indication of the local time from the mobile station, and resetting the current time to reflect the local time obtained from the mobile station. See col.5 lines 5-45.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman (U.S Patent No. 6,671,291 B1) in the view of Miller (U.S Patent No. 5,511,067).

Regarding claims 5, 17, Soliman discloses all the limitations of the base claim. However, Soliman does not disclose the mobile is configured to use CDMA sync message to receive a transmission from the base station in a paging or traffic channel. Miller discloses a system for the mobile configured to use sync message to acquire access to paging and traffic channel, col.5 lines 55-65. Therefore, it would have been obvious to one having ordinary skill in the art to use the sync message to receive data in paging and traffic channels because the data sync message helps the mobile enable to receive data in paging and traffic channel correctly by synchronizing with the reading frames.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman (U.S Patent No. 6,671,291 B1) in the view of admitted prior art (specification, page 1).

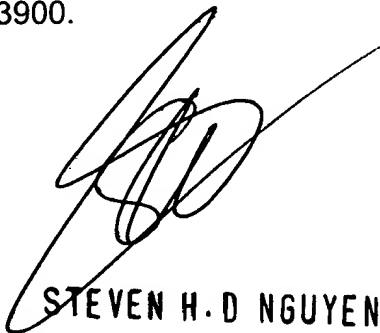
Regarding claims 6-8, Soliman discloses all the limitations of the base claim. However, Soliman does not disclose that his adjustable clock system being used in the car such as automobile. The admitted prior art discloses resettable clock system have been used in variety of industrial applications, included in the car. Therefore, it is a potential market to have the adjustable clock of soliman attached to the car.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



STEVEN H.D NGUYEN
PRIMARY EXAMINER